

M-10-1010

JAP:AL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

RICKY NOEL,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 18, U.S.C.
§ 922(g)(1))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

RAYMOND MARTINEZ, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), duly appointed according to-law and acting as such.

Upon information and belief, on or about August 28, 2010, within the Eastern District of New York, the defendant RICKY NOEL, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Rossi .357 Caliber Magnum Revolver.

(Title 18, United States Code, Section 922(g)(1)).

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I have been a Detective with the NYPD for approximately ten years, and have worked in the Gun Enhancement Unit for approximately four years. My information in this case comes from reviews of records of the NYPD, conversations with NYPD officers, and other official records of government agencies.

2. On or about August 28, 2010, at approximately 2:30 a.m., NYPD Officer Dustin Edwards of the 67th Precinct, Anti-Crime Unit was on routine patrol in the East Flatbush neighborhood of Brooklyn, New York, within the 67th Precinct. At approximately that time, the officers heard a radio transmission indicating that gunshots had been fired in the area.

3. Approximately five minutes later, Officer Edwards observed the defendant walking west on Clarkson Avenue, approaching 95th Street. Officer Edwards observed that the defendant was wearing a partially buttoned shirt, and that the defendant was wearing a bulletproof vest underneath his shirt. Officer Edwards observed the defendant lift his shirt from the waist area. When the defendant lifted his shirt, Officer Edwards

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest RICKY NOEL as described in greater detail below, I have not set forth every fact learned during the course of this investigation.

observed the defendant adjust what appeared to be the butt of a firearm tucked into the defendant's waistband. Based on his training and experience, Officer Edwards suspected that the defendant had a firearm tucked into the waistband of his pants.

4. Officer Edwards and one of the other officers then exited their vehicle. As they exited the vehicle, the defendant ran westbound along Clarkson Avenue. The officers chased the defendant and caught him. Officer Edwards then removed a firearm from the defendant's waistband. The defendant then stated, in substance and in part, that he had recently found the firearm in a backyard in the neighborhood.²

5. Officer Edwards arrested the defendant and brought the defendant and the firearm back to the 67th Precinct. At the 67th Precinct, the firearm was identified as a Rossi .357 Caliber Magnum Revolver.

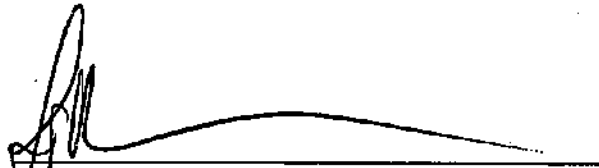
6. The defendant is currently being held in state custody. I have reviewed criminal history records for the defendant, which reveal that the defendant has been convicted of at least the following crime: on June 8, 2009, the defendant was convicted in Kings County Supreme Court of Attempted Robbery in

² The defendant had not been advised of his Miranda rights before making this statement.

the Third Degree, a Class E felony that is punishable by a term of imprisonment exceeding one year.

7. I have spoken with an interstate nexus expert who is a Special Agent with the Bureau of Alcohol, Firearms, Tobacco and Explosives, who informs me that the above-mentioned Rossi .357 Caliber Magnum Revolver was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant RICKY NOEL, so that he may be dealt with according to law.



Raymond Martinez
Detective
New York City Police Department

Sworn to before me this
1st day of September, 2010

HON^{ORABLE} RAMON E. HEYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK